

ORDINANCE 2009-1

AN ORDINANCE ESTABLISHING A FIRE CODE, BUILDING CODE, AND RESIDENTIAL CODE FOR THE LINCOLN COUNTY FIRE PROTECTION DISTRICT #1 OF LINCOLN COUNTY, STATE OF MISSOURI.

WHEREAS, pursuant to R.S.Mo. § 320.220(12), the Board of Directors (“Board”) of the Lincoln County Fire Protection District #1 (“District”) is empowered to adopt and amend “fire protection and fire prevention ordinances,” and determines that it is in the best interests of the District to adopt this ordinance for fire protection and fire prevention within the District.

WHEREAS, copies of THE INTERNATIONAL FIRE CODE, FIRST PRINTING, March 2009, THE INTERNATIONAL BUILDING CODE, FIRST PRINTING, February 2009, THE INTERNATIONAL RESIDENTIAL CODE, FIRST PRINTING, May 2009, and the INTERNATIONAL PROPERTY MAINTENANCE CODE, FIRST PRINTING, January 2009 as published by the International Code Council, have been, pursuant to R.S.Mo. § 67.280.2, filed with the Custodian of Records of the District for a period of ninety (90) days prior to the adoption of this ordinance which incorporates such codes in part by reference.

NOW, THEREFORE, be it ordained by the Board of the District, as follows:

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SECTION ONE – FIRE CODE:

That a certain document, three (3) copies of which have been on file with the Custodian of Records of the District for a period of ninety (90) days prior to the adoption of this ordinance being designated as the ICC Fire Code, First Printing, March 2009, as published by the International Code Council, be and is hereby adopted as the Fire Code of the District regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Custodian of Records of the District are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes prescribed immediately below.

The following sections of the Fire Code are hereby revised:

101.1 Insert “Lincoln County Fire Protection District No. 1”

Insert the following provisions after Section 105.4.1.1

105.4.1.1.1 Third-Party Review. The Fire Marshal, at his discretion may require third party professional review of construction documents, site plans, and/or building plans. The permit applicant shall be responsible for all costs associated with this review.

108 Delete in its entirety (including all subsections) and insert the following in lieu thereof:

**SECTION 108
BOARD OF APPEALS**

108.1 Appeals. Any person aggrieved or injured by any determination, order, or decision of the Fire Marshal may appeal the same to the Board of Directors of the District.

Any appeal must be filed, as hereinafter provided not later than ten (10) days after the order, determination or decision is made, or notice of the order, determination or decision is given by the Fire Marshal where such notice is required, whichever date is later. The notice of the appeal shall be in writing, addressed to the Board of Directors of the Lincoln County Fire Protection District, and shall describe the order, determination or decision of the Official for which appeal is sought. The notice of appeal shall also include a brief statement of the appellant’s reasons for disagreement with the order, determination or decision and any facts the appellant deems relevant to determination of the appeal. Notwithstanding the foregoing, no such appeal shall be required to be in any particular form or to observe any formal style of technical pleading. No appeal shall stay the order, decision or determination of the Fire Marshal unless the Chairman of the District upon written application for stays filed by the appellant with the notice of the appeal, shall so direct the Fire Marshal, in writing after receipt of the notice of appeal and application for stay. The determination of whether to grant or deny a stay shall be in the sole discretion of the Chairman of the District.

The Board of Directors, on receipt of a notice of appeal, shall fix a time not more than thirty (30) days after receipt of the notice of appeal and a place at which such appeal shall be heard. At such hearing the appellant shall be permitted to adduce evidence in support of the appeal. The hearing on the appeal shall be informal, and observance of formal rules of evidence or pleading shall not be required. At such hearing, the appellant may appear in person, or by agent or attorney. At such hearing the Board of Directors may request such further information, either from the appellant, or from the Fire Marshal or from other members of the staff of the District, as the Board may consider appropriate or necessary. At the conclusion of the hearing, the Board shall close the evidence. The Board of Directors may immediately decide the question by majority vote of the Directors, or the Board may take the matter under advisement to be decided by majority vote of the directors at such other time, not later than twenty (20) days after the hearing was closed, as the Board may determine. The decision of the Board of Directors shall be entered in the minutes of the Board, in the form of a resolution, and may affirm, modify or reverse the decision of the Fire Marshal.

If such decision is made at the time of the hearing, then the Board of Directors shall announce the same forthwith to the appellant or his or her agent or attorney. If the decision is made thereafter, then the Board of Directors shall notify the appellant or his or her agent or attorney who appeared at the hearing, in writing, or such decision promptly after the making thereof.

108.2 Limitations on authority. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall have no authority to waive requirements of this code.

109.3 Delete in its entirety (including all subsections) and insert the following in lieu thereof:

109.3 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Class B Misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not exceeding six (6) months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Delete Section 111.4 in its entirety and insert the following in lieu thereof:

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop word order, except such work as that person is directed to perform to remove a violation or unsafe condition shall be liable to the a fine of not less than \$50 or more than \$500 per day.

Insert the following provisions after Section 113.5:

113.6 Calculation of fees. Permit fees for new construction, additions, remodels, and interior finishes are based on the Building Valuation Data , Square Foot Construction Costs table published twice yearly in the Building Safety Journal, by the International Code Council or the actual cost of construction, whichever is greater. The most current version of the Square Foot Construction Cost table may be

implemented periodically and at the discretion of the Fire Marshal. Building “shell” permit fees shall be 80% of the total calculated fee.

113.7 Fee Exemption. Provided however, that if a municipality with an existing population in excess of ten thousand (10,000) is located wholly within the boundaries of the District and has a well established building department to regulate and inspect new residential structures then the District Fire Marshal shall waive the District’s permit fee for residential structures if and only if all of the following occur: The District Fire Marshal or his designee accompanies the individual performing the inspection on behalf of the municipality during both the rough-in/open wall and final inspections, and any reinspection, as the case may be.

1. The municipality informs the District of the available inspection time(s) as soon as practicable under the circumstances and coordinates with District personnel as to the date and time of said inspections.
2. The municipality includes a section on its Job Weather Card for the District to indicate whether the individual or entity being inspected has complied with this Ordinance, and allow the District discretion as to whether it will complete said section and thereby indicate compliance with this Ordinance.

Should the Fire Marshal or his designee be unable to accompany the municipality, the inspection shall be completed the same day, and as soon as practicable under the circumstances. Re-inspections will be completed no later than the next business day.

If said municipality does not require a permit for a remodel or addition of living space then the individual or entity must contact the District for information as to whether a permit is required from the District.

113.8 Fees exempt, when. Permit fees for Fire Suppression/Sprinkler Systems, Fire Alarm Systems, and Range Hood Suppression Systems shall not apply to new construction, remodels, or additions, when a construction permit is required and the system is installed during building construction and prior to occupancy.

907.7.5 Delete in its entirety and insert the following provisions in lieu thereof:

907.7.5.1 Monitoring. All newly installed fire alarm and detection systems required by this code shall be monitored by an approved Central Station as defined in NFPA 72. A UL Certificate or FM Placard, in accordance with NFPA 72, Chapter 8, 2002 Edition, shall be issued by the UL Listed or FM Approved prime contractor for all required fire alarm and detection systems. Existing required fire alarm and detection systems shall only be required to comply with this section if:

1. The fire alarm/detection system is altered in any manner, or
2. The fire alarm/detection system transmits more than 5 false alarms in any one calendar year, or

3. The Fire Marshal determines a life safety hazard exists.

Central station service and UL or FM certification in full compliance with NFPA 72, Chapter 8, 2002 Edition shall be maintained at the protected property, so long as the requirement for the fire alarm system exists.

Exceptions:

1. Single and multiple station smoke alarms required by section 907.2.11.
2. Smoke detectors in group I-3 Occupancies.
3. Automatic sprinkler systems in one and two family dwellings.

Insert the following provisions after 907.9.5:

907.10 False Alarms. Any activation of an alarm system intentionally or by inadvertence, negligence, or unintentional act to which the District responds, including activation caused by the malfunction of the alarm system, except that the following shall not be considered false alarms.

1. When the Fire Marshal determines that the alarm has been caused by the malfunction of the indicators at the alarm dispatching agency;
2. When the Fire Marshal determines that the alarm had been caused by damage, testing or repair of the telephone equipment or lines by the telephone company, provided that such incidents are promptly reported to the telephone company;
3. When an alarm is intentionally caused by an occupant or resident acting under a reasonable belief that a need exists to call the District.

907.10.1 Condition. No person, corporation, firm or other entity owning or occupying any premises within the boundaries of the District, in or on which premises is installed an automatic fire alarm, fire detection or sprinkler system shall transmit false alarms to any alarm dispatching agency.

907.10.2 Tampering. It shall be unlawful for any owner or occupant to reduce the effectiveness of the protection so required or so installed, except that the owner or occupant may temporarily reduce or discontinue the protection where necessary to make test, repairs, alterations, or additions. The Fire Marshal shall be notified before such tests, repairs, alterations, or additions are to be effected and upon completion shall be advised of the extent of any such work for additional requirements.

907.10.3 System in Disrepair. Should any such alarm system transmit any false alarm to the District, either directly or through a central dispatching agency, or should inspection of any such system by any officer of the District reveal a condition such that the system is likely to transmit a false alarm, the owner or occupant of the premises shall take such remedial action as necessary, and shall make or cause to be made such adjustments and repairs to the alarm system as the Fire

Marshal shall order. An order by the Fire Marshal shall be completed within twenty four (24) hours after such order has been given.

907.10.4 Service Charges. All false alarms to which the Lincoln County Fire Protection District responds shall result in the following service charges to the alarm system's owner or occupant:

907.10.4.1 First Two False Alarms. A warning shall be issued for the first two (2) alarms in any calendar year.

907.10.4.2 Third False Alarm. Fifty dollars (\$50.00) service charge for the third false alarm in any calendar year.

907.10.4.3 All False Alarms after the Fourth Occurrence. One Hundred dollars (\$100.00) service charge for the fourth and any subsequent false alarm in any calendar year.

907.10.5 Payment. Upon determination by the Fire Marshal that a false alarm has occurred, the District shall send a notice to the alarm user of the determination and directing the payment of the appropriate service charge within thirty (30) days.

907.10.6 Cancellation. The District may cancel any notice or service charge upon satisfactory proof by the alarm user that a particular alarm falls within the exceptions enumerated in the foregoing sections.

907.10.7 Refusal. Willful refusal to pay any such charge within thirty (30) days following notice shall constitute a violation of this Ordinance.

907.10.8 Twelve (12) month period with no false alarm. If the owner or occupant of a building continues through a twelve (12) month period without a faulty or false alarm, they shall begin at a new faulty or false alarm signal period.

907.10.9 New System. Newly installed systems shall be given sixty days (60) to correct any problems that may activate a faulty or false alarm signal.

Insert the following provisions after 503.3:

503.3.1 Parking on Fire Apparatus Access Roads. Parking on fire apparatus access roads shall be allowed as follows:

1. On fire apparatus roads less than 20 feet 0 inches in width. Parking is not allowed on either side of the street.
2. Fire apparatus roads 20 feet 1 inch to 32 feet in width parking on one side of the street.
3. Parking allowed on both sides on fire apparatus roads 32 feet 1 inch or greater in width.

4. Fire apparatus roads and driveways exceeding five hundred (500) feet in length shall provide at least one (1) passing and/or staging area at a location approved by the Fire Marshal. Said area shall be a minimum of twenty (20) feet in width and fifty (50) feet in length. For every additional one thousand (1000) feet of road/driveway from the five hundred (500) feet passing area there shall be an additional passing area.
5. Cul-de-sacs shall be a minimum of 50 feet in diameter with no parking permitted and where sufficient off-street parking is available. Where parking is permitted or where there is insufficient off-street parking, cul-de-sacs shall be a minimum of 84 feet in diameter.

503.3.2 Signs. Where required by the Fire Marshal, apparatus access roads (fire lanes) shall be marked with permanent signs stating “*NO PARKING-FIRE LANE*” and complying with figure D103.6 or other D.O.T. approved No Parking Fire Lane signs. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be posted and maintained by the property owner or subdivision-governing body on the fire apparatus road (fire lane) as required in the following:

1. Signs are required on both sides of the street on fire apparatus roads less than 20 feet 0 inches in width.
2. Signs are required on one side of the street on fire apparatus roads 20 feet 1 inch to 32 feet in width.
3. Signs are not required on fire apparatus roads 32 feet 1 inch or greater in width.

503.3.3 Location of Signs. No parking-fire lane signs shall be the responsibility of the property owner or subdivision governing body and shall be located as follows:

1. On the side property line or in the road easement as approved by the Fire marshal.
2. Three hundred feet (300) spacing between signs or as directed by the Fire Marshal.
3. Signs must face toward the traffic. Where the signs are required to change the side of the street there posted on, as required by the Fire Marshal, signs with arrows shall be added showing the starting and stopping of the fire lane.
4. Signs shall be located on the side of the street that fire hydrants are located.

503.3.4 Sign Maintenance. All fire lanes signs and markings shall be maintained in a clear and legible condition. This shall be the responsibility of the property owner and/or owners and/or subdivision governing body.

503.5 Delete in its entirety (including all subsections) and insert the following in lieu thereof:

503.5 Gates and Barricades.

503.5.1 Street Obstructions: A person or persons shall not erect, construct, place or maintain any bumps, humps, fences, gates, chains, bars, pipes, wood or metal horse or any other type of obstruction in or on any street within the Lincoln County Fire Protection District.

503.5.2 Gates: Gates meeting the requirements of 503.5 may be installed if first approved by the Fire Marshal of the District upon application by the owner, developer or subdivision governing body, if the Fire Marshal finds:

1. That a development within the District desires to have a gated community and files its plan with the Fire Marshal of the District.
2. That the gate to be erected is at least 60 feet back from the edge of the Cross Street from which access of the road is accessed from the gate.
3. That the developer and/or Board of Trustees Successors and Assigns of the subdivision install a “rapid entry” key operated switch through the Knox Box System, known as rapid entry system, system must be approved by the Fire District.
4. All developers or Trustees shall install a Lock-Box of adequate size so that all keys needed to gain access to the exterior and interior designated area (such areas designated for common use and/or all service equipment areas) shall be accessible at all times to the Fire District. Owners’ shall clearly mark all keys within the Lock-Box and shall indicate doors to which such key belong. All tags, marking systems, location and size of Lock-Box shall be at the discretion of and with the approval of the Fire Marshal.
5. The Developer or Trustee of said development shall install the Lock-Box System according to the manufacturer’s recommendations and directions, and at the direction and approval of the Fire Marshal.
6. The cost of Purchase, Installation and Maintenance of the Lock-Box security system shall be the responsibility of the Developer and/or Trust of the subdivision.
7. That the gate shall have installed a power failure override and spring design system that will open the gates in the event of an electric power failure and/or pull pin system.
8. That the Developer and/or Board of Trustees of the subdivision shall agree to keep the gates open at all times during inclement weather.
9. That the Developer or Board of Trustees of the subdivision agree to incorporate and adopt in their Indenture of Subdivision Restrictions, a provision accepted by the District, its agents and employees, harmless from any and all liability as a result of any increased response time as a direct result of the gated community and the system set forth herein, or damage to gates in the answering of an emergency call and the maintenance and cost of repair of the gates and supplies shall be the sole cost of the subdivision.

10. To provide a means to manually release the gate from the electronically operated mechanism.
11. All Trustees and/or Property Management shall notify the District of any change in the Trustees or Property management Company.
12. Agricultural field access gates are exempt.

503.6 Delete in its entirety and insert the following in lieu thereof:

503.6 Streets

503.6.1 Dedicated Street. Any street, road, highway, or public thoroughfare dedicated to the State, County, City or Municipality.

503.6.2 Private Street. Any street, road, highway, or public thoroughfare not dedicated to the State, County, City or Municipality.

503.6.3 Street Widths and Weights. All streets with parking on one side shall have a minimum total width of twenty-six (26) feet measured from back of curb to back of the opposite curb. Streets with parking permitted on both sides shall have a minimum clear width of fourteen (14) feet. Streets with parking permitted on only one side shall be a minimum total width of twenty-six (26) feet and shall maintain a minimum clear width of twenty (20) feet. Street with no parking permitted on either side shall be permitted to have twenty (20) feet minimum width measured from edge to edge and shall maintain the required twenty (20) feet minimum clear width. Clear width is defined as unobstructed roadway with no parking or other obstructions within the required clear path of travel width. All streets shall be capable of withstanding at least *seventy-five thousand* (75,000) pounds G.V.W.

503.6.4 Driveway. Any driveway that leads to one (1) or more dwelling units, that exceeds five hundred (500) feet in length, will be required to have at least one pass zone on it as defined in Section 503.3.1.

503.6.5 Round-a-bout. The District firmly asserts that it is necessary to respond to all Fire Suppression, emergency medical and rescue service calls within an immediate, rapid and timely manner, and to answer all of said emergency calls without being impeded, obstructed or blocked by traffic within the boundaries of said District to comply with Statutory Regulations of Chapter 321 R.S.Mo.

Round-a-bouts for the control of traffic for intersecting streets must have certain minimum standards in order to facilitate and accommodate the District's vehicles:

1. 110' foot inscribed diameter (outside);
2. 20' foot circulating roadway (one lane);
3. 8' foot truck aprons;
4. 54' foot central island diameter (27' radius);

5. No pedestrians, fixed object or sight distance obstructions are permitted in the center island;
6. 14' foot approach width pavement for both entry/exit lanes on both sides of island;
7. Control signs and pavement marking as per MUTED standards;
8. 15' foot entry throat width;
9. 50' foot separation to pedestrian crossing;

SECTION TWO– BUILDING CODE:

That a certain document, three (3) copies of which have been on file with the Custodian of Records of the District for a period of ninety (90) days prior to the adoption of this ordinance being designated as the ICC Building Code, First Printing, February 2009, as published by the International Code Council, be and is hereby adopted as the Building Code of the District regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the Custodian of Records of the District are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes prescribed immediately below.

The following sections of the Building Code are hereby revised:

101.1 Insert “Lincoln County Fire Protection District No. 1”.

110.3.1 Delete in its entirety.

110.3.2 Delete in its entirety.

110.3.3 Delete in its entirety.

110.3.5 Delete in its entirety.

110.3.7 Delete in its entirety.

113 Delete in its entirety (including all subsections) and insert the following in lieu thereof:

See Section 108 of the Fire Code.

114.4 Delete in its entirety and insert the following in lieu thereof:

114.4 Violation, penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

Insert the following provisions after 915:

**SECTION 916
FIRE HYDRANTS**

916.1 New Subdivisions. No person shall commence construction of any new habitable structures of any kind in any subdivision within the District, unless such person shall have first submitted to the Fire Code Official of the District a plat of the aforesaid subdivision, indicating the proposed installation of the fire hydrants within such subdivision, approved by the Fire Marshal.

916.2 New Structures: No person shall commence construction of any new structure, or building, or addition to any structure or building, within or upon any real property within the District, unless such person shall first have submitted to the Fire Marshal of the District a plat or drawing of the property whereon is located such building, structure of addition, which plat or drawing has indicated thereon the nearest existing fire hydrant, and if there is not an existing fire hydrant within such distance as is approved by the Fire Marshal, then also the proposed installation of a new fire hydrant or hydrants, and unless, also, the particular locations proposed for such fire hydrants and the number of fire hydrants to be installed if any, shall be approved by the Fire Marshal.

Exception: Residential outbuildings and storage units that are not habitable are exempt.

916.3 Installation of other new fire hydrants. No person shall install or cause to be installed any fire hydrant within the District, unless the location thereof and the design and type of the hydrant, including the threads and outlets thereof, shall first have been approved by the Fire Marshal.

916.4 Use Groups R-3 and R-4. There shall be no more than six (6) dwelling units constructed prior to the installation of a public water system with fire hydrants as set forth herein so as to be accessible for Fire District use in the event of a fire emergency. If no water source is available a variance may be applied for at the time of application.

916.5 Other Use Groups. In all other Use Groups, public water systems with fire hydrants shall be installed with the commencement of construction. If no water source is available a variance may be applied for at the time of application.

916.6 Fire hydrant placement. Fire hydrants shall be placed within the guidelines of 913.6.1 through 913.6.9.

916.6.1 Single family residential. In Use Groups R-3 and R-4, single family residential developments, fire hydrant spacing shall not exceed six hundred (600) feet from hydrant to hydrant, or as special site conditions may dictate. Local conditions may be such that this distance may vary as much as 100 feet in either direction.

916.6.1.1 Water supply required. In use Groups R-3 and R-4 single family developments, when the density is one (1) dwelling unit per ten thousand (10,000) square feet of developed property or less and there are six (6) or more dwelling units in a single development. If no water source is available a variance may be applied for at the time of application.

916.6.2 Multi-family residential. In Use Group R-2, multi-family residential developments, fire hydrant spacing shall not exceed six hundred (600) feet from hydrant to hydrant, or as special site conditions may dictate. Local conditions may be such that this distance may vary as

much as 75 to 100 feet in either direction. If no water source is available a variance may be applied for at the time of application.

916.6.2.1 Water supply required. In Use Group R-2 multi-family residential developments, when there are four (4) or more units within one (1) building or structure.

916.6.3 Other use group developments. In all other use Groups, fire hydrant spacing shall not exceed three hundred (300) feet from hydrant to hydrant, or as special site conditions may dictate. No part of a building shall be more than three hundred (300) feet from a fire hydrant. Local conditions may be such that the distance between fire hydrants or from a building to a fire hydrant may vary as much as 75 to 100 feet in either direction, if otherwise approved by the code official. If no water source is available a variance may be applied for at the time of application.

916.6.4 Area to be provided with fire hydrants. Fire hydrants and water mains (six inch minimum) shall be placed along the property to be developed ending adjacent to the property that abuts an existing and /or proposed improved public way. Variances may be required by the water agency because of water quality considerations.

916.6.5 Fire hydrant spacing: Spacing of fire hydrants along a public way shall be regulated by the Use Group classification of the development that abuts the existing and/or proposed public way.

916.6.6 Private hydrants: Where a development, other than Use Group R-3 or R-4, is greater than one hundred fifty (150) feet from an existing and/or proposed improved public way, measured along the drivable access, additional private hydrants shall be required on said developed property, private streets and /or parking lots, at a spacing between fire hydrants as required by the Use Group as set forth in Section B912.6.1 through and including Section B92.6.4.

916.6.6.1 Water main contingent. For all new developments and/or new homes, in the event that a Public or Private Water Company is contingent or adjacent to real property or within six hundred (600) feet of any present water main, water line or water extension, fire hydrants must be installed in accordance with the other provisions of this ordinance in order to assure proper fire protection within said development, subdivision, home or commercial establishment.

916.6.7 No parking area at fire hydrants. Where fire hydrants are required to be installed in areas where vehicles would be parked or standing, said vehicle parking or standing shall be restricted for ten (10) feet in each direction from the fire hydrant.

916.6.8 Unacceptable locations for fire hydrants. Fire hydrants shall not be permitted in the locations indicated in 912.6.8.1

916.6.8.1 Prohibited locations. A fire hydrant shall not be placed at any location where the fire hydrant could be damaged by vehicular traffic.

916.6.9 Relocation of fire hydrants. Relocation of fire hydrants requested or required by a property owner and/or developer shall be relocated as specified by the water agency's policies and procedures.

916.7 Fire hydrant installation. All fire hydrants shall be installed in accordance with 913.7.1 through 913.7.3.

916.7.1 Fire hydrant set back distance. All fire hydrants shall be set back from the curb or edge of pavement. The set back shall not exceed twelve (12) feet.

916.7.2 Fire hydrant connection heights. Fire hydrants shall be installed a minimum of fourteen(14) inches and a maximum of thirty (30) inches above finished grade, measured from the center of the steamer connection.

916.7.3 Fire hydrant type. All fire hydrants shall be approved by the Fire Marshal.

916.8 Obstructions. There shall be no obstructions, plantings, bushes, trees, signs, light standards, etc., within six (6) feet of any fire hydrant in all directions.

916.9 Color coding of public and private fire hydrants. All public fire hydrant barrels are to be painted yellow and all private fire hydrant barrels are to be painted red. All fire hydrant bonnets are to be painted as set forth in section 318.9 of the District's Residential Code.

916.10 Access. The commencement of construction of any such new subdivision, or new commercial building, or habitable structure by any person, within the District, shall be deemed to have permission by such person for entry on and to the property by the public or private water supplier, for the installation of any such aforesaid fire hydrants and the water main leading thereto, and also to the District and to the members of its Staff and to its equipment, for access to such fire hydrant, or hydrants, which may be located upon any such property, for any purpose whatever within the functions of the District, in considerations of issue of building permit.

916.11 Building permits. The Fire Marshal of the District shall not approve, nor issue building permits for, nor permit the construction of any such new subdivision, or new building or structure or addition, so long as the owner thereof shall fail to provide for fire hydrants, or to perform any guarantee, or to permit assess, according to this Section.

Exception: On the application of any person, the Board of Directors of the District may grant exception to the requirements of this Section for the fire hydrant installations, where such person shall prove to the satisfaction of the Board of Directors that there is no water supply reasonable available for the installation of hydrants.

Chapter 11 Delete in its entirety except for Section 1102.

Chapter 12 Delete in its entirety except for Sections 1201, 1202, 1205, 1206, and 1209.

Chapter 13 Delete in its entirety.

1403.2 Delete in its entirety.

1403.3 Delete in its entirety.

1403.6 Delete in its entirety.

Chapter 15 Delete in its entirety except for Sections 1501, 1502, 1505, 1507, 1508, 1509, 1510

Chapter 16 Delete in its entirety.

Chapter 17 Delete in its entirety except for Sections 1701, 1702, 1703, 1704, and 1711.

Chapter 18 Delete in its entirety.

Chapter 19 Delete in its entirety except for Sections 1902 and 1915.5.

Chapter 20 Delete in its entirety.

Chapter 21 Delete in its entirety except for Sections 2101.3.1, 2102, 2103, 2111, 2112, and 2113.

Chapter 22 Delete in its entirety except for Section 2202.

Chapter 23 Delete in its entirety except for Sections 2302, 2303.2, 2303.2.4, 2303.2.3, 2303.2.4, 2303.2.6, 2304.9.5, and 2304.10.

Chapter 24 Delete in its entirety except for Sections 2403.1, 2406, 2407.1, 2407.1.2, 2407.1.3, 2408, 2409.

Chapter 25 Delete in its entirety except for Sections 2503.1, 2502, 2506.2, 2507.2, and Table 2508.1

Chapter 29 Delete in its entirety.

3107 Delete in its entirety.

3108 Delete in its entirety.

3109 Delete in its entirety.

3411 Delete in its entirety.

3412.2 Insert “April 6, 2006” in first sentence.

SECTION THREE – RESIDENTIAL CODE:

That a certain document, three (3) copies of which have been on file with the Custodian of Records of the District for a period of ninety (90) days prior to the adoption of this ordinance being designated as the ICC Residential Code, First Printing, March 2009 as published by the International Code Council, be and is hereby adopted as the Fire Code of the District regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the Custodian of Records of the District are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes prescribed immediately below.

The following sections of the Residential Code are hereby revised:

R101 Insert “Lincoln County Fire Protection District”

R106.1.3 Delete in its entirety.

R109.1.1 Delete in its entirety.

R109.1.3 Delete in its entirety.

R112 Delete in its entirety (including all subsections) and insert the following in lieu thereof:

See Section 108.1 of the Fire Code.

R113.4 Delete in its entirety and insert the following in lieu thereof:

113.4 Violation, penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

R114 Delete in its entirety and insert Section 111 of the Fire Code.

R301 Delete in its entirety.

Insert the following after R302.3

R302.4 Fire Separation Distance. When no water supply is available or in areas where water supply is inadequate, a twelve and one-half (12 ½) feet fire separation distance is required.

R304 Delete in its entirety.

R306 Delete in its entirety.

R307 Delete in its entirety.

R311.3.2 Revise as follows:

Delete “7 ¾” and insert “8 ¼”

R311.7.4.1 Delete in its entirety and insert the following in lieu thereof:

R311.7.4.1 Riser height. The maximum riser height shall be 8 ¼ inches (210 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

R311.5.3.2 Delete in its entirety and insert the following in lieu thereof:

R311.7.4.2 Tread depth. The minimum tread depth shall be 9 inches (229mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread’s leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Winder treads shall have a minimum tread depth of 9 inches (229 mm) measured as above at a point 12 inches (305mm) from the side where the treads are narrower. Winder treads shall have a minimum tread depth of 6 inches (152mm) at any point. Within any flight of stairs, the greatest winder tread depth at the 12 inch (305mm) walk line shall not exceed the smallest by more than 3/8 inch (9.5 mm).

Insert the following provisions after R313.2.1:

R313.3 Fire Sprinklers. A builder of single family dwellings or residences or multi-unit dwellings of four or fewer units shall offer to any purchaser on or before the time of entering into the purchase contract the option, at the purchaser's cost, to install or equip fire sprinklers in the dwelling, residence, or unit. Notwithstanding any other provision of law to the contrary, no purchaser of such a single family dwelling, residence, or multi-unit dwelling shall be denied the right to choose or decline to install a fire sprinkler system in such dwelling or residence being purchased by any code, ordinance, rule, regulation, order, or resolution by any county or other political subdivision. Any county or other political subdivision shall provide in any such code, ordinance, rule, regulation, order, or resolution the mandatory option for purchasers to have the right to choose and the requirement that builders offer to purchasers the option to purchase fire sprinklers in connection with the purchase of any single family dwelling, residence, or multi-unit dwelling of four or fewer units. The provisions of this section shall expire on December 31, 2011.

R314.3 Delete in its entirety and insert the following in lieu thereof:

R314.3 Location. Smoke alarms shall be installed in the following locations:

1. In each sleeping room.

2. Outside each sleeping area in the immediate vicinity of the bedrooms.
3. On each additional story of the dwelling, including basements but not including crawl spaces and uninhabitable attics. In dwelling units or dwelling units with split levels and without an intervening door between adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
4. Enclosed mechanical rooms.

Additional smoke alarms may be required at the discretion of the Fire Code Official.

When more than one smoke alarm is required to be installed within an individual dwelling unit the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

R318 Delete in its entirety and insert the following in lieu thereof:

SECTION R318 FIRE HYDRANTS

R318.1 New Subdivisions. No person shall commence construction of any new building or structure of any kind in any subdivision within the District, unless such person shall have first submitted to the Fire Marshal of the District a plat of the aforesaid subdivision, indicating the proposed installation of the fire hydrants within such subdivision, approved by the Fire Marshal.

R318.2 New Structures. No person shall commence construction of any new structure, or building, or addition to any structure or building, within or upon any real property within the District, unless such person shall first have submitted to the Fire Marshal of the District a plat or drawing of the property whereon is located such building, structure or addition, which plat or drawing has indicated thereon the nearest existing fire hydrant, and if there is not an existing fire hydrant within distance as is approved by the Fire Marshal, then also the proposed installation of a new fire hydrant or hydrants, and unless, also, the particular locations proposed for such fire hydrants and the number of fire hydrants to be installed if any, shall be approved by the Fire Marshal.

R318.3 Installation of other new fire hydrants. No person shall install or cause to be installed any fire hydrant within the District, unless the location thereof and the design and type of the hydrant, including the threads and outlets thereof, shall first have been approved by the Fire Marshal.

R318.4 Residential uses. There shall be no more than six (6) dwelling units constructed prior to the installation of a public water system with fire hydrants as set forth herein so as to be accessible for Fire District use in the event of a fire emergency unless a variance is granted due to water availability.

R318.5 Fire hydrant placement. Fire hydrants shall be within the guidelines of Section R318.5.1 through R318.5.9.

R318.5.1 Detached single family residential. In detached single family residential development, fire hydrant spacing shall not exceed six hundred (600) feet from hydrant to hydrant, or as special site conditions may dictate. Local conditions may be such that this distance may vary as much as 100 feet in either direction.

R318.5.2 Attached multi-family residential. In attached multi-family residential developments, fire hydrant spacing shall not exceed four hundred and fifty (450) feet from hydrant to hydrant, or as special site conditions may dictate. Local conditions may be such that this distance may vary as much as 100 feet in either direction.

R318.5.2.1 Water supply required. In attached multi-family residential developments, when there are four (4) or more dwelling units within one (1) building or structure.

R318.5.3 Area to be provided with fire hydrants. Fire hydrants and water mains shall be placed along the property to be developed ending adjacent to property that abuts an existing and/or proposed improved public way. Variances may be required by the water agency because of water quality considerations.

R318.5.3.1 Water main contingent. For all new developments and homes in the event that a Water District is contingent or adjacent to real property or within six hundred (600) feet of any present water main, water line or water extension, fire hydrants must be installed in accordance with the other provisions of this ordinance in order to assure proper fire protection within said development, subdivision, home or commercial establishment. Given that easements are granted.

R318.5.4 Fire hydrant spacing. Spacing of fire hydrants along a public way shall be regulated by the use classification of the development that abuts the existing and/or proposed public way.

R318.5.5 Private Hydrants. Where a development, other than detached single family residences, is greater than one hundred fifty (150) feet from an existing and/or proposed improved public way, measured along the drivable access, additional private fire hydrants shall be required on said developed property, private streets and/or parking lots, at a spacing between fire hydrants as required by the Use Group as set forth in Section R318.5.1 through R318.5.4.

R318.5.6 No parking area at fire hydrants. Where fire hydrants are required to be installed in areas where vehicles would be parked or standing, said vehicle parking or standing shall be restricted for ten (10) feet in each direction from the fire hydrant.

R318.5.7 Unacceptable locations for fire hydrants. Fire hydrants shall not be permitted in the locations indicated in Section R318.5.8.

R318.5.8 Prohibited locations. A fire hydrant shall not be placed at any location where the fire hydrant could be damaged by vehicular traffic.

R318.5.9 Relocation of fire hydrant. Relocation of fire hydrants requested or required by a property owner and/or developer shall be relocated as specified by the water agency's policies and procedures.

R318.6 Fire hydrant installation. All fire hydrants shall be installed in accordance with Sections R318.6.1 through R318.6.3.

R318.6.1 Fire hydrant set back distance. All fire hydrants shall be set back from the curb or edge of pavement. The set back shall not exceed twelve (12) feet.

R318.6.2 Fire hydrant connection height. Fire hydrants shall be installed a minimum of fourteen (14) inches and a maximum of thirty six (36) inches above finished grade, measured from the center of the steamer connection.

R318.6.3 Fire hydrant type. All fire hydrants installed in the area of the Lincoln County Fire Protection District from and after the effective date of this Ordinance shall each have not less than two 2 ½ inch outlets and one 4 ½ inch outlet with the 4 ½ inch outlet facing the road, and a 5 ¼ inch valve, a 6 inch barrel and shall be of the break away design, front free with chain, left hand open design and have National Standards Threads.

R318.7 Obstructions. There shall be no obstructions, plantings, bushes, trees, signs, light standards, etc., within six (6) feet of any fire hydrant in all directions.

R318.8 Color coding of private fire hydrants. All public fire hydrants shall be painted yellow (Porter Paint Company enamel #4114 or equal). All fire hydrant bonnets are to be painted as follows:

COLOR by Fire Flow

Class A: All fire hydrants with a flow capacity of 1,000 gallons per minute or greater shall be painted with green bonnet and caps. (Porter # 5-8-4V4140 or equal).

Class B: All fire hydrants with a flow capacity of 500 gallons per minute to 999 gallons per minute shall be painted with orange bonnet and caps. (Porter #4118 or equal).

Class C: All fire hydrants with a flow capacity of 499 gallons per minute or less shall be painted with a red bonnet and caps. (Porter #4119 or equal).

PRIVATE (YARD) HYDRANTS:

Class D: All privately owned yard fire hydrants shall be painted entirely red (Porter #4119 or equal) so as to distinguish from public hydrants. The fire district may require the private hydrants to be color coded as public hydrants in some cases.

Capacity shall be rated by flow measurement tests of individual hydrants at a period of ordinary demand. Rating shall be based on 20 pounds P.S.I. residual pressure when initial pressures are over 40

pounds P.S.I. When initial pressures are less than 40 pounds P.S.I. residual pressures shall be at least half of the initial.

R318.9 Access. The commencement of construction of any such new subdivision, or new commercial building, or habitable structure by any person, within the District, shall be deemed to have permission by such person for entry on and to the property by the public or private water supplier, for the installation of any such aforesaid fire hydrants and the water main leading thereto, and also to the District and to the members of its Staff and to its equipment, for access to such fire hydrant, or hydrants, which may be located upon any such property, for any purpose whatever within the functions of the District, in considerations of issue of building permit.

R318.10 Building permits: The Fire Marshal of the District shall not approve, nor issue building permits for, nor permit the construction of any such new subdivision, or new building or structure or addition, so long as the owner thereof shall fail to provide for fire hydrants, or to perform any guarantees, or to permit access, according to this Section.

Exception: On the application of any person, the Board of Directors of the District may grant exception to the requirements of this Section for fire hydrant installations, where such person shall prove to the satisfaction of the Board of Directors that there is no water supply reasonably available for the installation of hydrants.

R320 Delete in its entirety (including all subsections).

R322 Delete in its entirety (including all subsections).

R323 Delete in its entirety (including all subsections).

Chapter 4 Delete in its entirety.

Chapter 5 Delete in its entirety except for Sections R502.12, R502.12 and R502.13.

Chapter 6 Delete in its entirety except for Sections R602.8

Chapter 7 Delete in its entirety except for Sections R702, R703.5 and R703.5.1.

Chapter 8 Delete in its entirety except for Sections R802.1.3, R802.1.3.1, R802.1.3.2, R802.1.3.3, R802.1.3.4, R803.2.1.2, and R807.

Chapter 9 Delete in its entirety except for Sections R902, R905, and R906.

R1004 Delete in its entirety (including all subsections) and insert the following in lieu thereof:

R1004.1 General: All pre-fabricated fireplaces shall be approved and listed by U.L. or any other nationally recognized testing agency, installed in accordance with the manufacturers instructions and in addition thereto:

1. All pre-fabricated solid fuel burning fireplace chases shall be protected from the living space on the inside of the chase walls and ceilings with one layer of 5/8 inch type X drywall or equivalent, or as approved by the Fire Code Official. Drywall shall extend to the ceiling level except when chase extends more than one (1) story or floor then drywall shall be installed in addition to the above to the chase wall next to the building unit until the chase extends past the attic area to the roof line.
2. All pre-fabricated chimney and vent chases shall be fire stopped at each floor/ceiling line and all of the chimney chase shall be closed off to the attic areas or concealed spaces.
3. The mentioned shall be inspected at the time of the required framing inspection and new construction or installations and before applying any facing material to the fireplace area. All backing materials are to be approved and inspected by the Fire Marshal before facing or finish material, such as brick, stone, etc., is applied so as to prevent combustible materials from being installed where they will be exposed to high heat.
4. The manufacturer's installation instruction booklet shall be with the fireplace until after the final inspection is approved by the Fire Code Official.
5. Direct vent and/or vent less fireplaces shall follow the manufacturer's installation instructions.

Chapter 11 Delete in its entirety.

Chapter 25 Delete in its entirety.

Chapter 26 Delete in its entirety.

Chapter 27 Delete in its entirety.

Chapter 29 Delete in its entirety except for Sections P2902.5.4, P2902.5.4.1, P2904

Chapter 30 Delete in its entirety.

Chapter 31 Delete in its entirety.

Chapter 32 Delete in its entirety.

Chapter 33 Delete in its entirety.

Chapter 36 Delete in its entirety.

Chapter 37 Delete in its entirety except for E3705.7, E3705.8, E3705.9 and E3706

Chapter 38 Delete in its entirety except for E3802

Chapter 39 Delete in its entirety except for Sections E3902, E3904.3.1, E3904.7, E3905.1.2, E3905.2, E3905.8, E3906, E3907, E3908 and E3909.

Chapter 39 Delete in its entirety except for Sections E3903.10, E3903.11, E3904.1, E3904.2, E3904.6, E3904.7, E3904.8 and E3904.9.

Chapter 42 Delete in its entirety.

Chapter 43 Delete in its entirety.

SECTION FOUR – PROPERTY MAINTENANCE CODE:

That a certain document, three (3) copies of which have been on file with the Custodian of Records of the District for a period of ninety (90) days prior to the adoption of this ordinance being designated as the ICC International Property Maintenance Code, First Printing, January 2009, as published by the International Code Council, be and is hereby adopted as the Fire Code of the District regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Custodian of Records of the District are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes prescribed immediately below.

The following sections of the International Property Maintenance Code are hereby revised:

101.1 Insert “Lincoln County Fire Protection District # 1”.

102.3 Delete in its entirety and insert the following in lieu thereof:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes in occupancy, shall be done in accordance with the procedures and provisions of the Fire Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of this Fire Code.

103.1 Delete in its entirety and insert the following in lieu thereof:

103.1 General. The Fire Prevention Bureau shall have charge of all matters relating to this code.

103.5 Insert fee schedule:

See Schedule of Fees

106.4 Delete in its entirety and insert the following in lieu thereof:

Refer to Section 109.3 of the Fire Code.

Section 111 Delete in its entirety and insert the following in lieu thereof:

Refer to Section 108 of the Fire Code.

Section 302: Delete in its entirety, except for Section 302.7

Section 303: Delete in its entirety.

Section 304: Delete in its entirety except for Sections 304.1, 304.4, 304.10, 304.11, 304.12

Section 305: Delete in its entirety except for Sections 305.1, 305.2, 305.4, and 305.5

Section 308: Delete in its entirety.

Section 309: Delete in its entirety.

Chapter 4: Delete in its entirety, except for Sections 401, 403.3, 403.4, 403.5, 404

Section 403: Delete in its entirety.

Section 404: Delete in its entirety except for Sections 404.4.4 and 404.4.5

Section 404.4.4 Delete in its entirety and insert the following in lieu thereof:

404.4.4 Prohibited occupancy. Kitchens and non-habitable spaces shall not be used for sleeping purposes. Non-residential structures or spaces shall not be used for sleeping purposes unless approved in writing by the Fire Code Official.

Chapter 5: Delete in its entirety.

Section 602: Delete in its entirety.

Section 604: Delete in its entirety, except for Section 604.3.

Section 605: Delete in its entirety, except for Section 605.1.

CHAPTER 8 HAZARDOUS MATERIALS

SECTION 801 GENERAL

801.1 Scope. The provisions of this chapter shall govern the mitigation of hazardous materials, chemicals, and residues upon premises, including premises used for the manufacture of illegal narcotics.

801.2 Responsibility. The owner of the premises shall be responsible for testing, remediation, and mitigation of all hazardous chemicals, materials, or residues including those resulting from the manufacture of illegal narcotics.

801.3 Prohibited Occupancy. No person shall occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

SECTION 802 NOTIFICATION

802.1 General. Any law enforcement agency may notify the Fire Code Official of hazardous materials, chemicals, residues or the manufacture of illegal narcotics which is or has been located on any premises. This notification shall be received in writing and in compliance with this Section.

802.2 Documentation required. The person or agency shall submit a signed affidavit which contains the following information:

1. The date of notification.
2. The name and address of the premises owner.
3. The address and description of the affected premises.
4. The type of activity and materials contained thereon.
5. Specific action requested as permitted under this code.

SECTION 803 HAZARD MITIGATION

803.1. Authority. The Fire Code Official shall be authorized to investigate notifications and condemn any structure or premises and require testing and mitigation of hazardous materials, chemicals or residue including premises used for the manufacture of illegal narcotics.

803.2 Testing and hazard mitigation. Testing and hazard mitigation shall be performed by persons or entities approved by the Fire Code Official. At a minimum, testing and hazard mitigation procedures for premises involved in the manufacture of illegal narcotics shall be performed based on the “Guidelines for Cleaning Up Former Methamphetamine Labs” published by Missouri Department of Health and Senior Services, Bureau of Environmental Epidemiology. Additional testing and mitigation may be required at the discretion of the Fire Code Official.

SECTION FIVE. Ordinance No. 2008-1 and 2008-2 of the District is hereby repealed in its entirety.

SECTION SIX. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The District hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s) or phrase(s) be declared invalid.

SECTION SEVEN. Except as specifically set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the District or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof.

SECTION EIGHT. This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

Read in its final form and passed this 13th day of February 2008.

Dan Battle, Chairperson of the Board of Directors - Date

Dan Hechler, Vice Chairperson of the Board of Directors - Date

Kathy Kitchen, Director of the Board of Directors - Date

Donna Creech, Secretary of the Board of Directors – Date